

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:09-00035

JESSE LEE KESSINGER

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On December 4, 2017, the United States of America appeared by W. Clinton Carte, Assistant United States Attorney, and the defendant, Jesse Lee Kessinger, appeared in person and by his counsel, Gregory J. Campbell, for a hearing on the petition on supervised release submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a two-year term of supervised release in this action on September 18, 2016, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on June 2, 2014.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed marijuana as evidenced by positive urine specimens submitted by him on March 8 and May 17, 2017; (2) the defendant failed to notify the probation officer of his change in residence inasmuch as on July 28, 2017, the defendant's supervising probation officer made a home visit to the defendant's approved residence and was informed by the female the defendant was living with that she had not seen him in two weeks, prompting the probation officer to text the defendant, the defendant having responded that he had to move and would have an apartment soon, but provided no further information, rendering his whereabouts unknown to the probation officer; (3) the defendant failed to appear for random drug screens as directed on July 18 and August 2, 2017; (4) the defendant failed to appear for substance abuse counseling and treatment as directed on August 11, 2017; and (5) the defendant failed to pay restitution as directed by the court inasmuch as the defendant still owes \$111.32 even after application of \$453.78 collected from his income tax return refund on October 10, 2017; all as

admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release.

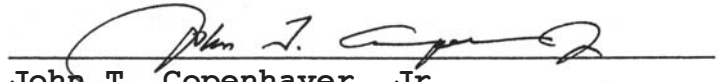
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of THREE (3) MONTHS. The court hereby reimposes the restitution balance of \$111.32.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: December 7, 2017



John T. Copenhaver, Jr.
United States District Judge